

NEGOTIATION FOR CHEROKEE LANDS.

LETTER

FROM THE

SECRETARY OF WAR,

TRANSMITTING

THE REPORT OF THE COMMISSIONERS

APPOINTED TO NEGOTIATE WITH THE

CHEROKEE INDIANS,

FOR A CERTAIN PORTION OF THEIR COUNTRY.

JANUARY 30, 1828.

Read, and laid upon the table.

WASHINGTON :

PRINTED BY GALES & SEATON

1828.

DEPARTMENT OF WAR,

29th January, 1828.

SIR: I have the honor to transmit, herewith, in compliance with the resolution of the House of Representatives, of the 15th instant, the Report of the Commissioners appointed to negotiate with the Cherokee Indians, for a certain portion of their country.

I have the honor to be,

Very respectfully,

Your obedient servant,

JAMES BARBOUR.

To the Hon. the SPEAKER

Of the House of Representatives, U. S.

DEPARTMENT OF WAR,

Office of Indian Affairs, January 29th, 1828.

SIR: I have the honor to report, in compliance with your directions, copies of the report (and journal) of the Commissioners appointed to negotiate with the Cherokee Indians for certain portions of their lands, as called for by a resolution of the House of Representatives, of the 15th instant.

The several references in the report will be found embodied in the journal, except reference B. ; this is not in the journal, nor did a paper corresponding to it accompany the other papers to this office.

I have the honor to be,

Very respectfully,

Your most obedient servant,

THO. L. McKENNEY.

To the Hon. JAMES BARBOUR,

Secretary of War.

To the Honorable JAMES BARBOUR,

Secretary of the Department of War.

SIR: The undersigned Commissioners, appointed by the President of the United States to hold Councils with the Cherokee nation of Indians, having understood that Hicks, the Chief who succeeded the Path Killer, was dead, declined meeting for the purpose of entering on the duties of their appointment, until the month of August, by which time they entertained a hope that the national concerns would be arranged, by the appointment of a Chief, and other officers. On the 16th day of August, Generals Davidson and Gray arrived at the Agency. General Cocke did not arrive until the 21st. On making inquiry of one of the Interpreters who attended us daily, and from the Indians we frequently saw, we were informed that the nation is destitute of a Chief, and that the election of the officers will not take place until ——— next; that the national affairs are, at present, disorganized and confused.

A Constitution has been formed, by and through the white men and mixed blooded Indians resident in the nation, who fill nearly all the offices, rule the People, and dispose of the annuities paid by the United States, agreeably to their will and pleasure. On this representation, we determined that the circular marked A should be written,

and sixty copies thereof sent by special messengers, who were competent to read and explain the same, in every village, neighborhood, and family, through which they might pass. This circular was accordingly sent, accompanied by a copy of the Agent's letter, marked B, by eight messengers, who read, and explained, and distributed them, through every part of the nation. Those messengers, after an absence of from ten to sixteen days, returned. Their several reports are herewith sent on our journal. The Rattlesnake Springs, about three miles south of the Agency, was considered, both by the Agent and the Cherokee Indians who visited the Agency, to be the most convenient place in the neighborhood for holding a Council, as it afforded plenty of excellent water, and good pasturage for the Indian horses. We accordingly had the cabin erected at the place, and preparations made for accommodating the Indians with rations. On the 18th of September, the day on which we had appointed to meet, and from that time until the 21st, we attended daily, without meeting more than from ten to twenty Indians on any one day, amongst whom were none of their head men. On the 21st, amongst others, the Hair Coonrod, and Tom Foreman, two of the members of their National Committee, paid us a visit. We had seen, and been introduced to them, at the Agency, some weeks before. They now met us in a friendly manner, and appeared social. General Gray told them he was much gratified at meeting with them at that place; that General Cocke, of Tennessee, and General Davidson and himself, from North Carolina, were appointed, by the President of the United States, to hold Councils with their nation, and wanted all their head men to attend; that, when a sufficient number arrived, we would shew them the authority under which we acted, and explain to them the wishes of our Government. They replied, they are only two of the head men, and we must not see your commissions, or talk to you about what the President wants, unless the head men are present. General Gray then inquired when the head men would arrive? They replied, they did not know. The General then observed to them, that the United States had been long friendly to the Cherokee Indians, had done a great deal for them, and expressed a hope that their People would show their respect for the President, by promptly meeting such Commissioners as he had, or might appoint, to transact business with them. To which they replied, that Congress and the President had been good to their nation, and, as far as respected themselves, they would evidence their respect for our Government, and ourselves, by coming to see us daily, and treating us as friends. The next day after the above conversation, General Cocke addressed them on the behalf of the Commissioners, pointed out the many favors they had received from the Government of the United States, the manner in which their Agents were treated when they went on business to the City of Washington, and that the Government was, at this time, furnishing those who met us with rations, and wanted to do them good, and will ask nothing from them, without paying them well for it. At the end of every sentence, their approbation was signified by saying it was very good; and

during the time we staid, they shewed, by their behaviour and actions, as well as by their words, that they were all pleased with his discourse, and, before we left them, told us, that, on next Monday, they would bring all their neighbors. On the evening of the same day, the Agent enclosed to us the letter marked C, addressed to us by John Ross and Major Ridge. The complaint contained in this letter, that our invitation was sudden and unexpected, and that the convenience of the members of the Committee and Council has not been consulted, we knew to be a subterfuge which John Ross had resorted to, for the purpose of frustrating our arrangements, and defeating the object of our Government. From the information we had received from the Indians friendly to our views, we had reason to expect his opposition.

As for Major Ridge, although his signature was also to the letter, we had reason to believe he was friendly to the objects of the Government, and nothing but a fear of losing his popularity and life, prevented him from being with us. To this extraordinary letter, we sent, by a special messenger, the answer marked D. On Monday, the 24th day of September, upwards of one hundred Indians attended, amongst whom were the Hair, Tom Foreman, Joseph Vann, Lewis Ross, and several other influential men. General Cocke informed them, we had received a written communication from John Ross and Major Ridge, and that, as the United States' Commissioners were not disposed to keep any thing a secret, he would read both the letter and copy of the answer which we had sent. The letter was read, and explained to them by the Interpreter. The Indians listened with profound attention, but it was evident, from their appearance and gestures, that the business of the Council was about to take a course which did not meet their approbation. After a short silence, they requested we would permit them to take both letters where they could read and think on them more deliberately. This permission was granted, and they retired at a distance, and, in about the space of two hours, returned, and handed us the letters. The head men were silent respecting them, but many of the other Indians said, John Ross is about to ruin us. On the 2d day of October, our special messengers returned with the letter marked E, which we consider as a specimen of John Ross' malignity against the United States and its Commissioners, and was, undoubtedly, intended by him as an insult to both; first, by pointedly contradicting the statements of General Cocke, with respect to what took place on his visit at new Echota, and the expressions used, "We cannot admit that Commissioners of the United States are justifiable in demanding a convention of the General Council at the Agency;" and, secondly, by complaining that no preparations for the accommodation of the Committee had been made at the Rattlesnake Spring, or the Agency, such as suitable houses, members' pay, cooks, &c. &c., which we *cannot suppose are contemplated to be* embraced in the ample means afforded by the President. To this letter we addressed a short reply, marked F, to Messrs. Ross and Ridge, for their exclusive perusal. We, at the same time, addressed the letter G to the Legislative Council and Committee, and sent our

Secretary, Mr. James R. Cocke, to New Echota, for the purpose of laying the latter before that body, and delivering the former to Messrs. Ross and Ridge. On the 13th inst. Mr. Cocke returned, and handed the answer, H. of the Committee and Council, to our propositions. By this document you will perceive the ultimate determination, by the legislative authorities of the Cherokee nation, never to dispose of one foot of land within the limits of their nation.

We are however advised by Mr. Samuel McConnel, who is well acquainted, and possesses considerable influence among the Indians, and who accompanied our Secretary, by our request, to New Echota, that, notwithstanding the positive refusal, there is much dissatisfaction, even among the members of the Committee and Council, and except the influence of John Ross, and the laws heretofore passed, prohibiting the nation to treat concerning the sale of lands, that at least two-thirds of them are willing to cede their whole country, and remove to the west of the Mississippi.

It is proper to observe that this John Ross is the same person who, by treaty, accepted 640 acres of land, agreed to become a citizen of the United States, and has deposited with the agent, his written declaration, permanently to reside on said reservation. We take leave to forward, with this report, a copy of the Cherokee Constitution establishing a Government out of the States of North Carolina, Georgia, Tennessee and Alabama, separate, and independent of the United States, and of the several States.

We have the honor to be,

Very respectfully,

Your obedient servants,

JOHN COCKE,

GEO. L. DAVIDSON,

ALEXANDER GRAY.

JOURNAL.

On Tuesday evening, the 3d of July, 1827, John Cocke. and Major Hynds, his private secretary, arrived at Echota, formerly called Newtown, the seat of government of the Cherokee nation, and found the National Committee and Council in session.

Echota, or New Town, is situated on the south side of Oostanaulah river opposite the mouth of Canausaga river, and about thirty miles above the confluence of the Hightower river, with the Oostanaulah, and about the centre of the nation.

Wednesday, July 4th.—After the Council convened, we walked to the Council House, and were invited to seats, after which, Major Ridge, the Speaker of the Council, addressed the House, when we were introduced to the members of the Council and National Committee, consisting of from 40 to 50, individually, by the shaking of hands. After which ceremony, we withdrew, when the Council adjourned.

The members elected by the people for the purpose of forming a Constitution, consisting of 24 in all, being three from each District, this day met in Convention in the Council House, when John Ross was chosen President of the Convention, and Alexander McCoy Clerk, when they adjourned until the next day.

Thursday, July 5th.—Received a visit from Major Ridge, and seven other Chiefs.

Friday, July 6th.—The convention appointed a committee consisting of 8 persons, being one from each District, to agree and report a Constitution.

Saturday, July 7th.—Learned from E. Boudinot, Clerk of the late National Council, that the Council adjourned without settling their business amicably, and that some of the old Indians, were very much dissatisfied, and intended to raise opposition to their new mode of Government by a Constitution.

Application was made to Alexander McCoy, one of the principal Clerks of the nation, by John Cocke, on the behalf of the Commissioners, for a list of the names of the members of the Committee and Council, which was promised, and was afterwards informed by the said Clerk, that John Ross, President of the Committee, had directed him not to furnish it.

CHEROKEE AGENCY, Aug. 15th, 1827.

Be it remembered, that, on Wednesday, the 15th day of August, 1827, Alexander Gray and George L. Davidson, of the State of North Carolina, two of the Commissioners appointed by the President of the United States, to hold Councils with the Cherokee tribe of Indians, appeared at the Cherokee Agency, for the purpose contemplated by the President, and continued at said Agency from day to day, until Tuesday, the 21st of said month of August, on which day, John Cocke, of the State of Tennessee, appointed by the President for the same purpose, also appeared at the Cherokee Agency; when the Board of Commissioners on the part of the United States being full, assembled themselves together, and thereupon appointed James R. Cocke their Secretary.

August 22d.—John Cocke laid before the Board, the following advertisement for furnishing the supplies, which appeared in the Knoxville Enquirer, and Highwassian, and was approved by the Board, to wit:

“NOTICE.

“Sealed proposals will be received at the Post Office, in Knoxville, “until the 6th day of August, 1827, to furnish such quantity of rations as may be required for holding a treaty with the Cherokee Indians, at such place as may be appointed, of which the contractors “will be notified, as soon as the place is fixed on. The ration must “consist of the same quantity of meat, bread, (flour or corn meal,)

"and salt, as the ration for the Army of the United States. In every instance, the names of the securities for the fulfilment of the contract, must be stated with the contract.

"JOHN COCKE,

On behalf of the Commissioners.

"July 4th, 1827.

"The Highwassian will please give the above three insertions, and present their account to me for payment. J. C."

In consequence of which advertisement, the following proposals for furnishing the supplies were received, to wit :

Coldwells & Matlock,	-	-	-	-	14	cents per ration
Gellispie & Russell,	-	-	-	-	9 $\frac{1}{2}$	do.
Houston & Cowan,	-	-	-	-	10	do.
Jacob Sharp,	-	-	-	-	6	do.
Miller Francis	-	-	-	-	8	do.
William Hogan,	-	-	-	-	7 $\frac{1}{2}$	do.
Samuel M'Connel,	-	-	-	-	8 $\frac{1}{4}$	do.
John Hardwick,	-	-	-	-	8 $\frac{1}{2}$	do.
John M'Callon,	-	-	-	-	10	do.
Joseph Rogers,	-	-	-	-	11	do.
Arthur Crozier,	-	-	-	-	12 $\frac{1}{2}$	do.
Gideon Morgan, Jr.	-	-	-	-	10 $\frac{1}{2}$	do.

It appearing to the satisfaction of the Board that Capt. Jacob Sharp had the lowest bid, therefore resolved, that he forthwith be informed of the same; and, also, that he attend on Monday the 27th day of August, 1827, at the Cherokee Agency, to enter into bond and security for the faithful performance of his said contract.

August 23. Resolved by the board, that letters be written, directed to the Chiefs, Headmen, and Warriors of the Cherokee Nation, requesting their attendance at their Agency, on the 18th day of September, 1827, for the purpose of discussing subjects of interest to the Cherokee nation as well as to the citizens of the United States; Therefore resolved, that the following letter be written, to wit :

(A.)

"To the Chiefs, Headmen, and Warriors, of the Cherokee Nation :

"BROTHERS : Our Father, the President of the United States, has appointed the undersigned, and directed them to hold councils with you the present Summer. To fulfil his desire, we are now at the Agency, the place appointed, by your request, to transact all business, and to receive communications from the Government of the United States. We invite your attendance at your Agency on the 18th day of September, 1827, when we will fully explain, in general council, the views of the Government on subjects calculated to promote your happiness and interest, and the welfare of the citizens of the United States.

We are your friends and brothers,

ALEXANDER GRAY,
GEORGE L. DAVIDSON,
JOHN COCKE.

Cherokee Agency, August 23d, 1827."

Therefore, *resolved*, by the Board, that sixty copies of said letter be written by the Secretary, and delivered to the messengers for distribution.

Monday, 27th August, 1827.—The following persons were employed as messengers for the purpose of carrying the aforesaid letters of invitation to the Chiefs, Headmen, and Warriors, of the Cherokee Nation, and also to solicit their attendance at the Agency on the day above designated, to wit : John Miller, John Spears, sen'r, Stephen Senter, John Spears, jun'r, Joseph Rogers, Jesse Bushyhead, Isaac Bushyhead, and William Cowan.

Agreeably to request, Captain Jacob Sharp attended on this day, and gave bond, with the following gentlemen for his securities, for the faithful fulfilment of his contract, to wit : Christopher Graves, Benjamin M. Kenzie, and Henry Bullard.

Resolved, by the Board, that a requisition of 10,000 rations be made, and that the said Jacob Sharp be required to deliver them within four miles of this Agency, at any place designated by the Board.

Tuesday, August 28th.—For the purpose of obtaining the necessary funds for carrying on the treaty, it was agreed that George L. Davidson and John Cocke should go to Nashville, who left the Agency on this day.

September 11th.—George L. Davidson and John Cocke returned from Nashville, and the Board resumed the discharge of their duty.

On the meeting of the Commissioners at the Cherokee Agency, on the 21st August, no messengers were despatched into the Nation until the return of the Agent and Interpreter, who were absent at Knoxville attending to suits in relation to reservations made to the Indians, and who returned on the 25th day of August, 1827.

September 17th.—This day the messengers gave in their reports to the Board, in the words and figures following, to wit :

“CHEROKEE AGENCY, *September 17th, 1827.*

Isaac Bushyhead, who was appointed by Alexander Gray, George L. Davidson, and John Cocke, Commissioners on the part of the United States, as one of the messengers to carry a letter of invitation to the Chiefs, Headmen, and Warriors, of the Cherokee Nation, reports as follows : That he has performed the duty assigned him, and that he has visited the following places, and seen the following Headmen and Warriors, and read and explained to them the said letter of invitation : that the first place I was at was Ellaculsa, and after reading and explaining the letter, they did not say whether they would attend or not : From thence to Mountaintown, where I read and explained the letter, and they directed me to go to Elletjoy, where I left a letter, and they sent out runners, and said they would meet and consult about it on the next day : From thence to Cah-tee-ka-wee, where I left a letter, and some of them said they would attend : From thence to Ah-muc-can-law-lee, where I left a letter, and some promised to attend ; and on my way from Ah-muc-can-law-lee to Tunsuatee, I met Yohquo, one of the members of the Council, and read and explained to him the

letter, but he did not say whether he would attend or not: From thence to Big Savannah, where I read and explained the letter to them, and several told me they would attend. From thence to Hickory Log, where the Court was in session, and they made very light of it, The Court was held by Judge Walter S. Adair, and I left a letter in the Court House, and also gave one of the letters to Judge Daniel, who resides in the Long Swamp, and from thence returned to the Agency, having been absent on the duties assigned me, thirteen days, and received three dollars per day.

ISAAC BUSHYHEAD.

A true copy from the original.

JAMES R. COCKE, *Secretary.*

17th September, 1827."

"John Spears, senior, and Joseph Rogers report to the United States' Commissioners, that, on the 27th August, they set out from the Cherokee Agency with your circular letter, and the Agent's address to the Headmen and Chiefs of the Cherokees. We proceeded, on that day, to Highwassee Old Town; the next day went, by Springtown, to Unicoy; thence, through Achusas Village; thence to the mouth of Valley River, and up that river as far as any settlements were found; thence returned to the Valley Mission; thence, up the Highwassee, to Squitta Court and Town; thence up that creek as far as settled, and up Highwassee as far as settlements were found on it; thence across to Choastoe, eight miles from Frogtown; thence, down through the different valleys, to Notella; thence across to Valley River, and thence home; where we arrived on the 11th September, having been absent sixteen days. We read and interpreted your letter, and the Agent's letter, in every village, and left a circular at each. We received, in answer, from the leading characters, that they would be governed by whatever instructions they received from the Headmen, by law.

Respectfully, your obedient servants,

JOHN SPEAR, sen., his $\times$ mark.

JOSEPH ROGERS.

A true copy:

JAMES R. COCKE, *Secretary.*

Cherokee Agency, September 17th, 1827."

"William Cowan, who was appointed by Alexander Gray, George L. Davidson, and John Cocke, Commissioners on the part of the United States, as one of the messengers for the purpose of carrying a letter of invitation to the Chiefs, Headmen, and Warriors, of the Cherokee nation, reports as follows: That I have performed the duties assigned me, and that I have visited the following places, and following Chiefs, Headmen, and Warriors, and read and explained to them the said letter of invitation: The first place I was at was Shoemaker, from thence to Coosawater, from thence to Saloquoy, from thence to Pine Log, thence to Hightower, thence to Turnip Moun-

tain, thence to Major Ridge's, thence to Cochalogee, thence up Eastanallee, thence to Jo Vans, thence returned to the Cherokee Agency, at each of which places I left a circular, and read and explained it; at each place I was informed by a great number that they ought to meet the Commissioners, but they did not say positively whether they would come or not. In going to the above described places, I was absent from home fourteen days.

WILLIAM COWAN.

A true copy.

JAMES R. COCKE, *Secretary.*"

" CHEROKEE AGENCY, Sept. 17, 1827.

Jesse Bushyhead, who was appointed by Alexander Gray, George L. Davidson, and John Cocke, Commissioners on the part of the United States, as one of the messengers for the purpose of carrying a letter of invitation to the Chiefs, Headmen, and Warriors, of the Cherokee nation, reports as follows: I have performed the duties assigned me, and have visited the following places, and seen the following Chiefs, Headmen, and Warriors, and read and explained to them the said letter of invitation. The first place I went to was the Long Savannah, from thence to Richard Taylor's, from thence to Old Bow, from thence to Dutchtown, thence to Broomstown, thence to Islandtown, thence to Chattanooga, thence, down the river, to Turkeytown, and thence returned by Crane Fish Court House, and from thence home; at each of which places I left a circular, and read and explained it to them. I saw Richard Taylor, and he said he expected they would send a delegation to meet the Commissioners. The Bow and Sicutowee councillors said they would be governed by John Ross. In going to the above places, I was absent from home twelve days.

JESSE BUSHYHEAD.

A true copy,

JAS. R. COCKE, *Sec.*"

" 17th September, 1827.—John Miller reports to the United States' Commissioners, that he set out from the Cherokee Agency on the 27th August, with your circulars, and the Agent's letter, proceeded by Mr. Adair's, to Coosawattee, thence to Saloquowee, thence to Pine Log, thence to Hightower, thence down the same to Dick Ross', thence to Yohola, thence to West's, thence to Major Ridge's, thence, across the river, to John Ross', thence, by Ridges, to Oohalogee, thence to Oostanalee, by Joseph Vann's, thence home, on the 8th instant, having been out thirteen days. I read and interpreted your circular and the Agent's letter, at every village, and to every person of any considerable standing, with whom I had an opportunity of conversing, and left a circular at every village. I also read and interpreted them at Hightower Court, and was generally informed, they would do whatever the headmen concluded on, or directed them to do.

Respectfully, your obedient servant,

JOHN MILLER.

A true copy:

JAS. R. COCKE, *Sec.*"

“CHEROKEE AGENCY, *September 17th, 1827.*”

Stephen Senter and John Spears, jun. who were appointed by Alexander Gray, George L. Davidson, and John Cocke, as two of the messengers for the purpose of carrying a letter of invitation to the Chiefs, Headmen, and Warriors, of the Cherokee nation, report as follows: That we have seen the following chiefs, headmen, and warriors, and have visited the following places. We first went to Savannah Valley, where we left a letter, and we also read and explained it to them, and they did not say whether they would come or not; from thence, to Chattanooga, where we left a letter, and read and explained it to them—did not say whether they would come or not; from thence, to Nickojack—did not read, nor leave one, not thinking it necessary, but told him what was our business; from thence, to the Creek-path Valley, left one, and read and explained it to them, and Edward Gunter said he would come; from thence, to Will's Valley, Lower Settlement, left one, read and explained it to them, did not say whether they would come or not; from thence, to McCoy's—did not say whether he would come or not, saw Andrew Ross and George Lowey, chiefs—Lowey said he would come; from thence, to Baldridge's, chief—did not say whether he would come or not; from thence, to John Bengo—did not say whether he would come or not; from thence, by Lookout Mountain, to Brainard Mission; and from thence, home; having been absent nine days and a half.

STEPHEN SENTER,
JOHN SPEARS, Jun.

A true copy,

JAS. R. COCKE, *Secretary.*”

September 18th, 1827.—This being the day for the meeting of the General Council, agreeably to notice heretofore given, the United States' Commissioners met at the Agency, and adjourned to the Rattlesnake Springs, a short distance from the Agency, for the convenience of pasturage and water, to which place they repaired on the same day, where they were met by ten of the neighboring Indians.

September 19th.—The Commissioners met according to adjournment. Two of the members of the National Council attended, and thirteen other Indians, all of whom shewed a most friendly disposition towards the Commissioners, and conversed freely with them, and expressed an opinion that the Cherokees would meet them in Council. The Commissioners adjourned until to-morrow.

September 20.—The Commissioners met, according to adjournment. The same Indians attended as on yesterday, and behaved orderly and friendly. The Commissioners adjourned until to-morrow.

September 21.—General Cocke being detained at home on business, Generals Davidson and Gray met agreeably to adjournment. About thirty Indians attended, amongst whom were three or four members of the Committee and Council. General Gray had a conversation with them on the subject of holding a council with the nation. They

replied that they were not at liberty to say any thing on the subject until more of their headmen arrived. He inquired when that event would take place. They replied, they did not know. General Gray observed, provided they failed to meet the Commissioners, it would be considered disrespectful to the Government of the United States. One of the headmen replied, the President had done their nation many favors, and he was disposed to treat the Commissioners and their Government with respect. The Commissioners adjourned until to-morrow.

September 22.—The Commissioners met according to adjournment. About twenty of the Cherokees attended, amongst whom, were the same headmen who attended yesterday. General Cocke had a talk with them, and recounted the many favors their nation had received from the President and the United States; the manner in which their agents were treated, when they went on business to Washington City, and that the nation ought, at all times, to evince their gratitude and friendship, by promptly meeting the President's Commissioners, &c. They appeared highly pleased at this discourse, and at the end of every sentence he uttered, replied it is good, it is very good, and promised to bring more Cherokees on Monday next. The Commissioners adjourned until Monday, 24th. After returning to their quarters, the Commissioners received from the agent a note, enclosing the following letter from John Ross and Major Ridge, to wit :

(C.)

“To Generals Gray, Cocke, and Davidson.

“GENTLEMEN: We have seen some of your circular addresses which were distributed through the country, by your messengers, to the chiefs, headmen, and warriors, of the Cherokee nation, informing them that you are appointed by the President of the United States, to hold councils with them during the Summer, and inviting their attendance at the Agency on the 18th day of this month, in order that you may fully explain, in General Council, the views of the Government, on subjects calculated to promote their interest and happiness, and the welfare of the citizens of the United States. We consider it our duty, in behalf of the nation, to inform you, that this sudden and unexpected general invitation, which you have thought proper to make, for a general council, by appointing a place and time, without consulting the convenience of the members of Committee and Council on the occasion, cannot be accepted, under the great inconvenience and expense which would attend the nation on such a meeting, previous to the second Monday in October next, the time fixed on for the annual meeting of the General Council of the Nation, at New Echota, the Seat of Government for the Cherokee Nation. We would, therefore, respectfully invite your attendance at Echota, the 8th day of October next, or at any time during the session of the General Council, when the representatives of the nation would give you the right hand of friendship, and be prepared to receive communications from you on all subjects entrusted by the President to your mission, and to give them that can-

did consideration which their importance may deserve. We would further assure you, that the proper authorities of this nation are ever disposed to receive all the public agents of the Government with that respect and attention due to their character, and in a manner to comport with brotherly kindness.

With great respect,

We are, politically,

Your friends and brothers,

JOHN ROSS,

MAJOR RIDGE, his x mark.

Cherokee Nation, Sept. 15th, 1827."

Whereupon it was resolved by the Board that the following answer to the aforesaid letter be forwarded by a special messenger to Messrs. John Ross and Major Ridge, viz :

(D.)

" CHEROKEE AGENCY, September 23d, 1827.

MESSRS. JOHN ROSS and MAJOR RIDGE :

Gentlemen : The undersigned, Commissioners of the United States, acknowledge the receipt of your joint letter bearing date the 15th inst. which reached them late on yesterday. We avail ourselves of the earliest moment to reply and despatch a special messenger, that no delay may occur in communicating to you our astonishment and regret at the contents of your letter. You speak of our invitation for a General Council of the Cherokee Nation, as "sudden and unexpected," and that the time and place was appointed without consulting the convenience of the members of Committee and Council. In reply to that part of your letter, we take leave to remind you of facts within your recollection. Early in July last, one of the undersigned, (to wit, General Cocke,) reached New Town, otherwise New Echota, and was introduced, together with his Secretary to the Committee and Council then in Session, by Major Ridge, the Speaker of the Nation. In addressing them, he informed, that General Cocke, and two others, were appointed by the President of the United States to hold councils with the Nation, and recommended to them the extension of the hand of friendship as a token of respect for the General's character and attachment to, and confidence in, the Government of the United States. This occurred on the 4th day of July, as you both must well recollect. How then can it be "sudden and unexpected?" On this visit to the Nation, General Cocke applied to Mr. McCoy, the principal Secretary of the Nation, for the names of the Committee and Council, which were promised, but was afterwards informed by the Secretary, that Mr. John Ross had directed him not to impart that information. Thus it became impossible to consult the convenience of the members of the Committee and Council, by the act of Mr. Ross, who the undersigned suppose to be the same person whose signature is affixed to your joint letter. You then mention the great expense that would attend the na-

tion in consequence of the proposed meeting. The undersigned with pleasure assure you that ample means have been afforded them by the President of the United States to defray every expense, and the necessary supplies are now provided, and should their invitation be disregarded, it cannot be considered by the Government of which we are the representatives, in any other character than as disrespectful and contemptuous. Since the arrival of the undersigned at the Cherokee Agency, they have been furnished with the written constitution of your nation establishing a separate, independent Government, not amenable or subject to that of the United States. We take leave to inquire, is the present refusal to meet us in Council intended to shew that independence, or should the States, within whose limits the Cherokee nation is located, extend her laws and jurisdiction to those limits, can the Cherokees expect the interference and aid of the Government of the United States? The undersigned address you as two chiefs of the Cherokee nation. They are uninformed of the fact, nor have you, in your letter, stated, whether you act in a public or private capacity, not even by your signatures. We again remark, that the Agency is the place designated and established as the place to transact all business between the United States and the Cherokee nation, and located by the special request of the Cherokees; and where all treaties, records, and documents, in which the United States and the nation are interested, are deposited. It is also the duty of the Agent to guard the interest of the Cherokees: near his residence must be selected to enable him to discharge that trust.

The undersigned will remain, and attend daily at the Rattlesnake Spring, near the Agency, or at the Agency, which ever is most agreeable to the nation, until all may have sufficient time to attend, that think proper. They must then retire, and report all the facts to their Government. They renew their invitation to the chiefs, headmen, and warriors, of the Cherokee nation, to meet them for the purposes mentioned in their letter of the 23d of August last.

Respectfully, your ob't serv'ts,

JOHN COCKE,

ALEXANDER GRAY,

GEORGE L. DAVIDSON."

Monday, Sept. 24, 1827.—The Commissioners met, according to adjournment. The foregoing letter to Messrs. Ross & Ridge, was sent on by William Cowan, the messenger who was appointed for that purpose. On this day, upwards of one hundred Cherokees attended, amongst whom were six or eight members of the Council, Committee, and late Convention. They met us with their usual expressions of friendship, and, having understood that we had received a communication from John Ross and Major Ridge, they expressed a desire to hear it read. General Cocke accordingly read the letter and a copy of the answer, both of which were explained, sentence by sentence, to them, by the interpreters. They listened with profound attention,

but it was evident, from the appearance of their countenances, that they did not approve of the conduct of Ross and Ridge, and several of them said John Ross was about to ruin their nation. Some of the Headmen requested, that the Commissioners would permit them to take these letters aside, where they could have an opportunity of reading and deliberating on their contents. This permission was granted, and, after an absence of about two hours, they returned the letters without making any observations on their contents. An unusual silence prevailed amongst the Headmen and others, and it was evident, from their looks, that their feelings were hurt. General Cocke informed them, that those who met were considered, by the Commissioners, friends to the United States and its Agents : that, by meeting them frequently, they had given an evidence of that friendship, which was pleasing to the Commissioners, and entitled such to their esteem. He also advised them to meet them frequently, and encourage others to come, and not to be led astray by those who were disposed to break the friendship between their nation and the United States, by treating its Agents with contempt, in declining to meet them. Before the Commissioners left them, some of the Headmen informed them that a great ball play was to take place on Thursday, at ———, between the Cherokees who reside on Tennessee, and those who reside in the State of Georgia, at a distance of forty miles from the Agency, and that but few Indians would attend until that was over ; that, then, there would be many who would attend. The Commissioners, from a belief that this play ball was projected for the purpose of concerting a plan to defeat the objects of their mission, resolved that General John Cocke, with one of the Interpreters, attend said meeting of the Indians, and have the letter from John Ross and Major Ridge, and, also, the Commissioner's answer, read to them. The Commissioners adjourned until to-morrow.

September 25, 1827.—The Commissioners met, according to adjournment. But a few of the neighboring Indians attended for the purpose of drawing rations. The Commissioners adjourned until to-morrow.

Wednesday, September 26, 1827.—General John Cocke and John Miller, one of the interpreters, started to meet the Indians at the ball play. Generals Davidson and Gray met, according to adjournment. A few of the neighboring Indians attended to draw rations. The Commissioners adjourned until to-morrow.

September 27, 1827.—The Commissioners met, according to adjournment. The Indians attended as on yesterday. The Commissioners adjourned until to-morrow.

Friday, September 28, 1827.—The Commissioners met, according to adjournment. The Indians attended as on yesterday. This evening General Cocke and the Interpreter returned, and reported to the Board that he had attended the ball play on yesterday, where between four and five thousand Indians had assembled ; that he read and had the letter from Ross and Ridge to the Commissioners, with their answer, explained by the Interpreter, to such Indians as were disposed to hear it. The Board adjourned until to-morrow.

Saturday, September 29, 1827.—The Commissioners met, according to adjournment. The neighboring Indians attended as on yesterday. The Commissioners adjourned until to-morrow.

Monday, October 1, 1827.—The Commissioners met, according to adjournment. The neighboring Indians attended as on Saturday, for the purpose of drawing rations. The Commissioners adjourned until to-morrow.

Tuesday, October 2, 1827.—The Commissioners met, according to adjournment. The Indians attended as on yesterday, with the addition of a few others who had been at the ball play. William Cowan, the messenger who was despatched with a letter to Messrs. Ross and Ridge, on the 24th ultimo, this day returned, and reported he had discharged the duties assigned him, and brought from Ross and Ridge the following answer, viz :

(E.)

“ RIDGE’S FERRY, CHEROKEE NATION,

“ *September 27, 1827.*

“ *To Gen’ls John Cocke, Alex. Gray, and Geo. L. Davidson :*

“ GENTLEMEN : Your letter of the 23d, in reply to ours of the 15th instant, was received by your special messenger, on last evening, and we avail ourselves of the opportunity presented by his return, in replying to your remarks. You express astonishment and regret at the contents of our letter. We assure you it was not intended to have produced those feelings; but when facts are fairly and impartially scrutinized, we hope that no just cause will be found for your astonishment and regret ; and in reply to a certain paragraph of your letter, in which we remarked that your general invitation for a general council of the Cherokee nation, was ‘ sudden and unexpected,’ as ‘ the convenience of the members of the Committee and Council had not been consulted’ in fixing the time and place appointed by you, you observe, ‘ that you will remind us of facts within our recollection ;’ and then proceed to state, that ‘ early in July last, General Cocke reached New Echota, and was introduced, together with his Secretary, to the Committee and Council, then in session, by Major Ridge, Speaker of the Nation, and in addressing them, (the Committee and Council) he (Major Ridge) informed that General Cocke and two others were appointed by the President of the United States, to hold councils with the nation, and recommended to them the extension of the hand of friendship, as a token of their respect for the General’s character, and attachment to, and confidence in, the Government of the United States, and that this occurred on the 4th of July, as we both must well recollect.’ And you ask, ‘ how then can it be sudden and unexpected ?’ Here you will please permit us to reply, and state facts attending General Cocke’s visit at New Echota in July last. The General arrived at New Echota on the 3d of July, in company with a gentleman, whom he introduced as Major Hyne, to-

gether with Messrs. Lewis Ross and Joseph Coody. The General Council was then in session, and was expected to have adjourned on the evening of that day, but, in consequence of its having been rumored from newspaper reports, that General Cocke, and two other gentlemen from North Carolina, were appointed by the President of the United States, to hold a conference with the Cherokee Nation, for a certain object, and as General Cocke had arrived, it was deemed proper that the Council should be prolonged, with a view of giving General Cocke an opportunity of communicating to the General Council the object of his visit, and to ascertain if he had come in the capacity of a Commissioner from the United States ; accordingly, a resolution was passed to postpone the meeting of the Convention, to the 5th of the month ; provided the business of the General Council should not be disposed of on the 4th. And when the Council was convened on the 4th, General Cocke and Major Hyne appeared in front of the Council House, when Major Ridge (one of the undersigned,) Speaker of the Council, an old acquaintance of the General's, went forward and took the General by the hand, and the General then introduced Major Ridge to Major Hyne. Major Ridge conducted them into the Council Room, and introduced the General as an old acquaintance, who had commanded the East Tennessee troops at Fort Armstrong, in the first campaign of the Creek war ; and then conducted the General and Major Hyne up into the Committee room, and, on entering the room, Major Ridge observed to the members of that body, 'this is General Cocke, a friend and old acquaintance who had served in the Creek war, and no doubt he is known to some of you ; give him the hand of friendship.' At this introduction, Mr. John Ross, (one of the undersigned,) President of the Committee, and also an old acquaintance of the General's, rose, and took him by the hand, and who was then introduced, by the General, to Major Hyne ; and the Members of the House each in succession, rose and shook the hands of the General and Major Hyne, and whose names were respectively imparted to General Cocke. After being seated awhile, they retired, and the Council continued in session, until towards the latter part of the day, and General Cocke having made no intimation of his appointment, nor communicated the object of his visit, the General Council was then adjourned, and the Members of the Convention then met and organized themselves for business. Thus ended the General Council in July last, and as General Cocke did not make himself known as a Commissioner, nor suggested any thing on the subject of his visit, or of your intention to appoint a place and time, for the purpose of inviting a General Council of the Cherokee Nation, previous to the session which is to take place at New Echota, on the 8th day of next month, therefore we could not but have said, that your invitation was 'sudden and unexpected ;' further, you state that General Cocke applied to Mr. McCoy, the principal Secretary of the Nation, for the names of the Committee and Council, which were promised ; but was afterwards informed by the Secretary, that Mr. John Ross had directed him not to impart that information, and

thus it became impossible to 'consult the convenience of the members of the Committee and Council' by the act of Mr. Ross, who you suppose to be 'the same person whose signature is affixed to our joint letter.' Here again we beg leave to remark, that General Cocke remained several days after the rise of the General Council, and whilst the sitting of the Convention, and in the course of which time it was understood the General had inquired of a private individual, if he could furnish him with a list of the names of the Members of the Committee and Council; being answered in the negative; and that the General, then on the eve of leaving New Echota, had asked Mr. McCoy, Clerk of the Committee, and who was then acting as Secretary to the Convention, for a list: upon receiving this information, the Members of the Convention expressed a curiosity to know the object of the General for applying for a list in such a private manner, and not having communicated to any person the object of his visit, they, in order to draw from the General an idea of his visit, as well as his design for soliciting the list of names, requested Mr. Ross, then President of the Convention, to ask Mr. McCoy if General Cocke had given him any reasons for requesting a list of the names; and, if not, to request Mr. McCoy to defer furnishing the list, until the General should give some reasons for making the request. This request of the Members, as stated, was communicated to Mr. McCoy, who said that the General had assigned no reasons for making the request. Soon after this, the General and Major Hyne left the place, without our hearing any thing further respecting the list of names. You are not mistaken in supposing that Mr. John Ross referred to, being the identical person who signed the joint letter you received from us. Gentlemen, these statements are indisputable facts, and can be established by the Members of the Committee and Council, and of the Convention, so far as came within their respective knowledge, and it is painful to us to be compelled to make statements in contradiction to your own understanding. Although we cannot for a moment suppose that the Hon. gentleman who communicated what you have stated could have designedly misrepresented them—therefore, we must believe he has been misinformed in these particulars, through the medium of misrepresentation.

"General Cocke being introduced to the members of the Committee and Council, in session, we cannot see how it became 'impossible to consult their convenience on the subject of appointing a place and time for a General Council.' We believe it would have been uncourteous and impertinent for the members of the Committee and Council to have called on General Cocke, or any other gentleman, for information respecting the object of his visit, and to have asked him his business. Therefore, it was more properly the province of General Cocke to have introduced the subject of his visit; and his failing to do so, ought not unjustly to cast blame on any other person. You say that ample means have been afforded you, 'by the President of the United States, to defray every expense, and that the necessary supplies are now provided.' There are various incidental expenses attending

the meeting of the General Council of the nation, independent of supplies of aliment, such as the employment of cooks, members' pay for services, &c. &c. which we cannot suppose are contemplated to be embraced in the ample means afforded you by the President. You further remark, 'should your invitation be disregarded, it cannot be considered in any other character than as disrespectful and contemptuous.' We would here assure you, with profound sincerity, that nothing is more remote from the intention, or wish, of the Representatives of this nation, than to treat the public Agents of the General Government with disrespect or contempt. You have also thought proper to speak of the Constitution of the nation, as establishing a separate, independent Government, not amenable or subject to that of the United States; and you inquire if the present refusal to meet you in Council was intended to shew that independence, or, should the States within whose limits the Cherokee nation is located, extend their laws and jurisdiction to those limits, can the Cherokees expect the interference and aid of the Government of the United States? We would remark, that the Constitution is not considered, in any respect, to change the relationship which the nation sustains with the Government of the United States. It was adopted with no view to set up an independence unwarranted by the treaties with the United States. Therefore, we have every just reason and confidence to expect the protection of the United States in good faith, in supporting such rights as are secured to the Cherokee nation by our treaties. And we hope, gentlemen, after all the solitudes which have been so laudably manifested by the great, and best of men, General Washington, for the civilization of the Cherokee nation, and for an improvement in their civil Government, and which objects have been patronized by the succeeding Presidents, and now, when the Cherokees are beginning to embrace the comforts of civilization, that you are not disposed, as Commissioners of the present Administration, to find fault with our improvement in Governmental, as well as in domestic affairs, by endeavoring to disorganize our system, and complaining of our Constitution, even after one of you, General Cocke, having expressed his opinion, voluntarily, to Mr. John Ross, one of the undersigned, in Calhoun, that the Constitution which the conventioners made, is a good one.

"We deny having refused to meet you in General Council, and contend that a respect is due to the convenience of the nation, in fixing a time and place for holding a General Council; and as it is well known that the Cherokee nation, for eight years past, have permanently established their seat of Government at New Echota, where every conveniences for the accommodation of strangers, as well as for the members of the Committee and Council, are provided. It is the only place where you can, in reason, have a right to expect to be met in General Council of the nation, and at which place we have invited your attendance on the day appointed for the meeting of the approaching session. We can see no reason for your persistence in renewing your invitation at the Rattlesnake Springs, or Agency, where

no preparations for the accommodation of the members of the Committee and Council have been made, and where they would be exposed to the weather, as a congregated assemblage of rude people on a hunting expedition. If you will examine the public documents at the Agency, you, no doubt, would find letters from the Chiefs to Colonel Meigs, former Agent, by which you will discover that you are mistaken as to the Agency being located at a place designated by the special request of the Cherokee nation. And we are also convinced that you are not correct in supposing that all business between the United States and the Cherokee nation was intended to be transacted at the Agency solely. We admit that there are various business between the United States and the nation, as well as between individuals of the States and of the nation, which are necessary to be transacted at the Agency, with and through the Agent; but we cannot admit that Commissioners of the United States are justifiable in demanding a convention of the General Council of the nation at the Agency, without consulting the convenience of the Chiefs on the occasion, especially when it is their object to communicate, in General Council of the nation, the views of the General Government on subjects calculated to promote the interest and happiness of the Cherokees, as well as the welfare of the citizens of the United States. You appear to be at a loss to know whether we are acting in a private or public capacity. If you are not aware yourselves, that we act under authority, and if you do not choose to be informed, through the Agent, of our official characters, and it should be forgotten by you, that General Cocke was introduced by Major Ridge, Speaker of the Council, to the members of the General Council, and that Mr. John Ross presided over the Committee, as President of that branch of the Legislature, we will inform you that the undersigned are the presiding officers of the Committee and Council, and, since the death of the two principal Chiefs of the nation, the corresponding department of the nation has been entrusted to the President of the Committee, and the business of convening the General Council devolves on both of us; and, having consulted some of the most influential members of the Committee and Council on the subject of your circulars of the 23d of August last, we were advised to address you the letter which you acknowledge to have received. We can only add, should you decline attending the General Council at New Echota, and think proper to transmit to the General Council communications on the subjects of your instructions from the President of the United States, they will be received with a proper respect by the Committee and Council, and a considerate reply will be made to them.

“With great respect, we are, gentlemen,

“Very respectfully, your obedient servants,

“JOHN ROSS,

“MAJOR RIDGE, his x mark.”

Whereupon, it was resolved by the Board, that a letter be addressed to Messrs. Ross and Ridge, in answer to the foregoing, for their

own perusal, and that another letter be addressed to the Committee and Council of the Cherokee Nation, explanatory to the objects of their mission, and requesting that delegates be appointed by the Cherokee Nation to meet the Commissioners on the part of the United States in Council at the Agency. The following letter was accordingly written, viz :

(F.)

“ CHEROKEE AGENCY,

“ October 4th, 1827.

“ MESSRS. JOHN ROSS and MAJOR RIDGE.

“ GENTLEMEN: On yesterday your letter, in answer to a reply made by the undersigned to yours of the 15th ultimo, was received, and we must express our surprise and regret, that every point by us laid down in that letter, is, by you, considered either erroneous, or not founded in fact, and that even the statements made by General Cocke, respecting what took place at Echota in July last, should be pointedly contradicted. The General is not versed in your language, and if he has not given the words used by Major Ridge, on his introduction, he avers he has given the words as explained to him by your interpreters. You have the candor to acknowledge, that you were informed, by newspaper reports, that General Cocke, and two others from North Carolina, were appointed by the President of the United States to hold Councils with the Cherokee nation of Indians, and that the session of your Council was continued for one day, under an expectation that the General would make some communication to you on the subject of his mission; and, as he did not, you thought proper to direct your Clerk not to furnish him with the names of the Committee and Council. You could not suppose, or expect, that the General, without the consent or approbation of the other two Commissioners, would attempt to open a negotiation with you, or explain the objects his Government was desirous to effect by a treaty with the nation. It would have been in direct opposition to the authority vested in him by his Government, and disrespectful to those associated with him in commission. General Cocke also avers, it is not a fact that the application made to Mr. McCoy was on the eve of his departure from Echota, but that it was made some days before, by his Secretary, Major Hynds, and afterwards by himself; and not until the eve of his departure, was the information refused. In our former letter, we assured you that ample means had been afforded us, by the President, to defray *every expense*, and that the supplies were provided. We used the term *EVERY EXPENSE*, with the design to include every possible expense; nor should we have hesitated to employ cooks, or to have paid the members for their services, fully as much as they receive for attending at New Echota, in General Council, including the &c. &c. to which you refer in your letter of the 27th of September.

“ You ‘ assure us, with profound sincerity,’ that ‘ nothing is more remote from the intention or wish of the Representatives of the Na-

tion, than to treat the public agents of the General Government with disrespect or contempt.' Compare this assurance with your refusal to meet the call and invitation of that Government, with the language of your letters to her representatives and agents. Recollect the treatment of Governor McMinn and the Georgia Commissioners, when they attended your Council at and near New Echota. You inform us that the Cherokee Nation, for eight years past, have permanently established their Seat of Government at New Echota, where every convenience, for the accommodation of strangers, and of the members of the Committee and Council, are provided; and concludes, 'should you meet at the place named in our invitation, you would be exposed to the weather, as a congregated assemblage of rude people on a hunting expedition.' In this, you are certainly mistaken. It is true, there is no palace for the reception of a King or Emperor, but there are four taverns in the vicinity of the Agency, and one at it, where all the Committee and Council can be well accommodated, and their expenses paid by us. We take leave to call your attention to that part of our letter of the 23d of September where we mention your establishment of an independent Government. No expression was intended to find fault with your Constitution, or deprive your nation of the benefits of social intercourse in civilized life. On the contrary, we expect, ere long, to see you incorporated with the American family, and enjoying the benefits arising from a well regulated Government. Your construction of our remarks is not supported, when you seem to suppose we are disposed to find fault with your Government. It is useless longer to refrain from disclosing our knowledge of the object of your invitation to meet at New Echota. We are correctly informed that Mr. John Ross has used all his influence with the nation to thwart the views of the United States, and has been mainly instrumental in preventing their meeting, agreeably to our invitation of the 23d of Aug. last. You remark, you have invited our attendance on the day appointed for the meeting of the approaching session of the General Council. Can you expect this subterfuge will avail, when you know you have predetermined to reject every proposition that we are authorized to make to the Cherokee Nation? Why have you interposed to prevent their meeting us? Is it necessary to keep the nation in ignorance of their true interest? What object, then, could we expect to attain? It has also been communicated to us, that Mr. Ross contemplates a trip to Washington City the ensuing Winter, and this failure to hold Councils with the Commissioners of the United States, is to be the ostensible cause of that enterprise. Should our views be incorrect, that the Cherokee Agency is the place proper to transact all business in which the United States are concerned with the Cherokee Nation—for what purpose are agents employed, and nearly five thousand dollars annually expended by the United States, in defraying the expense of that Agency? The Secretary of War transacts all business with your nation at that place. We are not advised that your seat of Government is established for any other purpose, than as a

place to regulate your own internal affairs. In this opinion, we are confident we shall be supported by the Department of War.

“Respectfully, Your obedient servants,

“JOHN COCKE,
“ALEXANDER GRAY,
“GEO. L. DAVIDSON.”

(G.)

“*To the Legislative Committee and Council of the Cherokee nation, assembled at New Echota.*

“**FRIENDS AND BROTHERS :** The President of the United States, on the 13th March, 1827, appointed the undersigned Commissioners to hold councils with the Cherokee Indians. A copy of our letter of appointment we lay before you, which will show the desire of our Father, the President of the United States, and, also, the object of Congress in making an appropriation of ten thousand dollars to defray the expense only, that shall attend the holding of the council directed. We now make the propositions to you, in accordance with the desire expressed by Congress and the President, and have sent our Secretary, James R. Cocke, with directions to lay them before you, and receive your determination. We request your early attention and reply, to enable us to report the result to the Secretary of War by the meeting of Congress. We have been long detained, with a desire to have met our friends, the Cherokees, but without success, not occasioned, as we believe, by the act of the nation, but through the influence of individuals.

“Respectfully, your friends and brothers,

“JOHN COCKE,
“GEO. L. DAVIDSON,
“ALEX. GRAY.”

‘ DEPARTMENT OF WAR,

‘*13th March, 1827.*

‘*To Generals John Cocke, G. L. Davidson,
and Alexander Gray, Commissioners, &c. :*

“**GENTLEMEN :** An appropriation of ten thousand dollars having been made by the late Congress, to defray the expense of holding councils with the Cherokee Indians, for the two fold purpose of procuring an extinguishment of their claims to lands held by them within the limits of the State of North Carolina, and for extinguishing their claim to as much land as will be necessary for a canal to connect the Highwassee and Canasauga with each other, the President has appointed you joint Commissioners to carry the objects of said appropriation into effect. No special instructions are esteemed to be

necessary. The mode and preparations are left to your discretion. The expenses attending these negotiations you will take care to keep within the sum appropriated.

‘It is desirable that you act under this commission as early as you conveniently can, and report your proceedings and their result to the Department, by the meeting of the next session of Congress.

‘I have the honor to be,

‘Gentlemen, your obedient servant,

‘JAMES BARBOUR.’

“By virtue of the foregoing full power, Major General John Cocke, of the State of Tennessee, and Brig. Gen. George L. Davidson, and Brig. Gen. Alexander Gray, both of the State of North Carolina, propose to purchase, on behalf of the United States of America, from the chiefs and headmen of the Cherokee Nation of Indians, and extinguish their claim to all that tract or parcel of land lying and being within the chartered limits of the State of North Carolina, one of the United States of America, containing, by estimation, about five hundred and four thousand acres, bounded on the north and west by the State of Tennessee, agreeably to a line run and marked by Commissioners of both States, and south by the State of Georgia. The above named Commissioners likewise propose to purchase and extinguish the claim of the Cherokee nation to so much land as will be necessary for a canal to connect the Highwassee and Canasauga with each other. To hold councils with the Cherokee Indians for the two-fold purpose above stated, the said John Cocke, George L. Davidson, and Alexander Gray, request the proper authorities of the Cherokee nation to appoint agents of said nation to meet them without delay, at the Cherokee agency, where all treaties and documents are deposited, in which the parties are in any measure interested, and where convenient and comfortable accommodations will be provided, and all expense paid by the said Commissioners.

“JOHN COCKE,

“G. L. DAVIDSON,

“ALEX. GRAY.”

Resolved by the Board, That the first of the two foregoing letters be delivered, by Mr. James R. Cocke, their Secretary, to Messrs. Ross and Ridge, and that he lay the latter before the Committee and Council of the Cherokee nation, at New Echota.

The Commissioners adjourned until to-morrow.

The Commissioners attended from day to day, at the Rattlesnake Spring, without meeting with any of the chiefs or headmen of the nation; when the Board

Resolved, That the Commissary be directed to issue no more rations.

Resolved, further, That the Contractor, Jacob Sharp, be directed to remove that part of the requisition of ten thousand rations which has not been issued, to the Agency, that it may be sold for the benefit of the United States.

October 6th, 1827.—The rations of meal and salt were sold on this day, on a credit of six months, and, on the 8th, the beef on hand was also sold, on a like credit, and bonds deposited with the Agent, for the benefit of the United States.

October 13th, 1827.—The Secretary, James R. Cocke, returned from Echota, with the following letter from Messrs. Ross and Ridge, and also from the National Committee and Council, to wit :

(H.)

“NEW ECHOTA, CREEK NATION,

“*October 11th, 1827.*

“*To Generals John Cocke, George L. Davidson,
and Alexander Gray :*

“GENTLEMEN : We acknowledge the receipt of your letter of the 4th instant. We do not deem it essentially necessary to go over all the different points on which you have written. Therefore, we must be brief. You wish us to recollect the treatment which Governor McMinn and the Georgia Commissioners received from our Council at this place. We assure you that it is well recollected that they were treated with civility and politeness by the members of the Committee and Council ; and you also state that there is no palace for the reception of a King or Emperor at the Rattlesnake Spring, but that there are four taverns in the vicinity of the Agency. We do not understand the idea you intend to convey in reference to a palace for the reception of a King or Emperor, as the Cherokee nation are governed by neither ; and we were not informed that you had anticipated the arrival of any of the crowned heads from abroad. As to the four taverns spoken of, we assure you that they are unknown to us, and that we were informed that the Rattlesnake Springs are situated in the wilderness, four miles off from the Agency. You also state that you are correctly informed that Mr. John Ross has used all his influence with the nation to thwart the views of the United States, and has been mainly instrumental in preventing their meeting, agreeably to your invitation of the 23d August ; and further, that Mr. Ross contemplates a trip to Washington City the ensuing Winter, and this failure to hold councils is to be the ostensible cause of that enterprise ; but you have not thought proper to state who gave you the information. We must, therefore, inform you, that you have been intruded upon by those who were so expert in fabricating these misrepresentations ; and we are sorry to discover that you are ready to believe every unfavorable report respecting us.

“Very respectfully, gentlemen,

“We are your obedient servants,

“JOHN ROSS,

“MAJOR RIDGE, his x mark.”

“NEW ECHOTA, CHEROKEE NATION,

“11th October, 1827.

“*In General Council convened:*

“FRIENDS AND BROTHERS: Your communication of the 4th inst. together with a copy of a letter from the Secretary of War, showing the objects of your appointments, and, also, your propositions to purchase from us a tract of land containing about five hundred and four thousand acres, bordering on the State of North Carolina, for the use and benefit of that State, and likewise as much land as would be necessary for a canal to connect the Hiwassee and Canasauga with each other, were received on the 7th instant through your Secretary, Mr. James R. Cocke; and, in compliance with your request, we have bestowed our early attention to the subject, and return you this reply: That the representatives of this nation, in concluding the treaty of 1819, surveyed the past and present condition of this nation, and, with deliberate and serious consideration, looked to its future destiny, and solemnly pledged themselves in general council, that they never would dispose of one foot more of land again. This sentiment and determination have been repeatedly declared to the Agents and Commissioners of the United States, as well as to our political Father, the President of the United States. But it appears that our brethren of the bordering States would not willingly believe that the determination was made in soberness, and that the sentiment has been expressed with an unchangeable sincerity of heart; or why should they have so often and so urgently applied to the President and Congress for appropriations to hold treaties with us on the subject? Surely, our white brethren of the States who surround our small territory, possess too much magnanimity and charity of heart to disregard our unwillingness to part with our homes, the land of our birth, in order that their own aggrandizement may be raised upon the ruin and destruction of ourselves and our posterity. The Cherokee nation, with great liberality, has made cession after cession for the accommodation and extension of your States, and we had flattered ourselves that they, with the principle of liberality, would have been silent on the subject of procuring farther cessions from us. We will now repeat again to you, what has often been told to other Commissioners of the United States, that the Cherokee nation *has no more land to dispose of*, and that we cannot accede to your propositions; therefore, we do not deem it necessary to appoint agents for the purpose of negotiating a treaty with you on the subject for the twofold objects proposed. In giving you this definitive reply, we do it with considerations of respect, uninfluenced by any individual, but solely with the view of maintaining the interest of our nation.

“With great respect, we are,

“Politically your friends and brothers,

“JOHN ROSS,

“*President N. Committee.*”

Names of the Members of Committee.

R. Taylor,		Thomas Pettitte,	his x mark.
Joseph Vann,		Chenalooke,	x
George Lowry,		George Chambers,	x
Hair Conrad,	his x mark.	John Beamer,	x
John Baldridge,	x	Thomas Foreman,	x
Sleeping Rabbet,	x	A. McCoy, Clerk N. Committee.	

Names of the Members of Council.

Major Ridge,	his x mark,	<i>Speaker of the Council.</i>	
Going Snake,	x	Yesahlaskee,	his x mark.
William Hicks,		Kelechulah,	x
Tanahuhu,	x	Walking Stick,	x
The Feather,	x	Old Turkey,	x
Dick,	x	The Bark,	x
Rising Fawn Lee,	x	Little Turtle,	x
The Bean,	x	Three Killer,	x
Chickasawlehu	x	Licketowee,	x
Chunoyeku,	x	Oowahurkee,	x
Isquiee,	x	Poor Bear,	x
Skablola,	x	Yohquoh,	x
Slim Fellow,	x	Ahleceenu,	x
Canseoree,	x	Charles,	x
The Hog,	x	Oolanota,	x
Senokee,	x	Katekee,	x

ELIAS BOUDINOT, *Clerk of N. Council.*

STATE OF TENNESSEE, }
McMinn County. }

This day personally appeared before me, James S. Bridges, one of the acting Justices of the Peace for said county, Templin W. Ross, and made oath that the statement here made by him, in his own hand writing, is true, to wit :

A few days after Generals Davidson and Gray had boarded with Mr. John Hardwick, I was at Mr. Lewis Ross's store, when Mr. Hardwick came over from his house to the store : he entered into conversation with Mr. Lewis Ross and the undersigned, concerning the contemplated treaty ; he informed Mr. L. Ross and myself he had frequent arguments with the abovenamed gentlemen, and he had overheard a conversation between Messrs. Davidson and Gray, and drew an inference from them that they would treat with one, three, or five of the Cherokees, if they would make any offers, and that it was his opinion they would take the same steps to effect a purchase as was taken at the Indian Springs, in the Creek Nation. Our answer was, it could not be possible. He wished Mr. Lewis Ross and myself to keep the

within conversation to ourselves: for that, in a few days, we would find it prove true. This, gentlemen, is the substance of the conversation, though it may not be in the exact words.

TEMPLIN W. ROSS.

Sworn and subscribed to, before me, this 15th of October, 1827.

JAMES S. BRIDGES, J. P.

CONSTITUTION OF THE CHEROKEE NATION,

Made and established at a General Convention of Delegates, duly authorized for that purpose, at New Echota, July 26, 1827.

We, the Representatives of the People of the Cherokee Nation, in Convention assembled, in order to establish justice, ensure tranquillity, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty; acknowledging with humility and gratitude the goodness of the Sovereign Ruler of the Universe, in offering us an opportunity so favorable to the design, and imploring his aid and direction in its accomplishment, do ordain and establish this Constitution for the Government of the Cherokee Nation.

ARTICLE 1.

SEC. 1. The boundaries of this nation, embracing the lands solemnly guarantied and reserved forever to the Cherokee Nation by the treaties concluded with the United States, are as follows; and which shall forever hereafter remain, unalterably the same, to wit: Beginning on the north bank of Tennessee river at the upper part of the Chickasaw Old Fields; thence, along the main channel of said river, including all the islands therein, to the mouth of the Hiwassee river; thence, up the main channel of said river, including islands, to the first hill which closes in on said river, about two miles above Hiwassee Old Town; thence, along the ridge which divides the waters of the Hiwassee and Little Tellico, to the Tennessee river at Tallassee; thence, along the main channel, including islands, to the junction of the Cowee and Nanteyalee; thence, along the ridge in the fork of said river, to the top of the Blue Ridge; thence, along the Blue Ridge to the Unicoy Turnpike road; thence, by a straight line, to the nearest main source of the Chestatee; thence, along its main channel, including islands, to the Chatahooche; and thence, down the same, to the Creek boundary at Buzzard Roost; thence, along the boundary line which separates this and the Creek Nation, to a point on the Coosa river opposite to the mouth of Will's Creek; thence, down along the south bank of the same, to a point opposite to Fort Strother; thence, up the river, to the mouth of Will's Creek; thence, up along the east bank of said creek, to the west branch thereof, and

up the same to its source ; and thence, along the ridge which separates the Tombebee and Tennessee waters, to a point on the top of said ridge ; thence, a due north course, to Camp Coffee, on Tennessee river, which is opposite the Chickasaw Island ; thence to the place of beginning.

SEC. 2. The sovereignty and jurisdiction of this Government shall extend over the country within the boundaries above described, and the lands therein are, and shall remain, the common property of the nation ; but the improvements made thereon, and in possession of the citizens of the nation, are the exclusive and indefeasible property of the citizens respectively, who made, or may rightfully be in possession of them ; *Provided*, That the citizens of the nation, possessing exclusive and indefeasible right to their respective improvements, as expressed in this article, shall possess no right nor power to dispose of their improvements in any manner whatever to the United States, individual States, nor to individual citizens thereof ; and that whenever any such citizen or citizens shall remove, with their effects, out of the limits of this nation, and become citizens of any other Government, all their rights and privileges as citizens of this nation, shall cease: *Provided, nevertheless*, The Legislature shall have power to re-admit, by law, all the right of citizenship to any such person or persons who may, at any time, desire to return to the nation, by memorializing the General Council for such re-admission. *Moreover*, the Legislature shall have power to adopt such laws and regulations as its wisdom may deem expedient and proper, to prevent the citizens from monopolizing improvements with a view of speculations.

ARTICLE II.

SEC. 1. The Power of this Government shall be divided into three distinct Departments : the Legislative, Executive, and the Judicial.

SEC. 2. No person or persons belonging to one of these Departments, shall exercise any of the powers properly belonging to either of the others, except in cases hereinafter expressly directed or permitted.

ARTICLE III.

SEC. 1. The Legislative Power shall be vested in two distinct branches, a Committee and a Council ; each to have a negative on the other, and both to be styled "The General Council of the Cherokee Nation." and the style of their acts and laws shall be,

"RESOLVED by the Committee and Council in General Council convened."

SEC. 2. The Cherokee nation, as laid off into eight districts, shall remain so.

SEC. 3. The Committee shall consist of two members from each district, and the Council shall consist of three members from each district, to be chosen by the qualified electors of their respective districts, for two years ; and the elections to be held in every district on the first Monday in August, for the year 1828, and every succeeding two years thereafter ; and the General Council shall be held once

a year, to be convened on the second Monday of October, in each year, at New Echota.

No person shall be eligible to a seat in the General Council but a free Cherokee male citizen, who shall have attained to the age of twenty-five years : the descendants of Cherokee men by all free women, except the African race, whose parents may be, or have been, living together as man and wife, according to the customs and laws of this nation, shall be entitled to all the rights and privileges, of this nation as well as the posterity of Cherokee women by all free men. No person who is of a negro or mulatto parentage, either by the father or mother's side, shall be eligible to hold any office of profit, honor or trust, under this Government.

The Electors and members to the General Council, shall, in all cases, except in those of treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and the General Council, and in going to, and returning from, the same.

In all elections by the People, the electors shall vote *viva voce*. Elections for members to the General Council for 1828, shall be held at the places of holding their several courts, and at the other two precincts in each district, which are designated by the law under which the members of this Convention were elected ; and that the district judges shall superintend the elections within the precinct of their respective court-houses, and the marshals and sheriffs to superintend the precincts which may be assigned them by the circuit judge of their respective districts, together with one other person, who shall be appointed by the circuit judges, for each precinct within the districts of their respective precincts ; and the circuit judges shall also appoint a clerk to each precinct. The superintendents and clerks shall, on the Wednesday morning succeeding the election, assemble at their respective court-houses, and proceed to examine and ascertain the true state of the polls, and shall issue to each member, duly elected, a certificate ; and, also, make an official return of the state of the polls of election to the principal chief, and it shall be the duty of the sheriffs to deliver the same to the Executive Office : *Provided, nevertheless,* The General Council shall have power, after the elections of 1828, to regulate, by law, the precincts, and superintendents, and clerks, of elections, in the several districts.

SEC. 4. All free male citizens, (excepting negroes, and descendants of white and Indian men by negro women, who may have been set free,) who shall have attained to the age of eighteen years, shall be equally entitled to vote at all public elections.

SEC. 5. Each House of the General Council shall judge of the qualifications, elections, and returns, of its own members.

SEC. 6. Each House of the General Council may determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member ; but not a second time for the same cause.

SEC. 7. Each House of the General Council, when assembled, shall choose its own officers ; a majority of each House shall constitute a



quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner, and under such penalty, as each House may prescribe.

SEC. 8. The members of the Committee shall each receive from the public Treasury, a compensation for their services, which shall be *Two Dollars and Fifty Cents* per day, during their attendance at the General Council; and the members of the Council shall each receive *two Dollars* per day, for their services, during their attendance at the General Council: *Provided*, That the same may be increased or diminished by law; but no alteration shall take effect during the period of service of the members of the General Council by whom such alteration shall have been made.

SEC. 9. The General Council shall regulate, by law, by whom, and in what manner, writs of elections shall be issued to fill the vacancies which may happen in either branch thereof.

SEC. 10. Each member of the General Council, before he takes his seat, shall take the following oath, or affirmation, to wit: "I, A B, do solemnly swear (or affirm, as the case may be,) that I have not obtained my election by bribery, treats, or any undue and unlawful means used by myself, or others by my desire or approbation, for that purpose; that I consider myself constitutionally qualified as a member of ———, and that, on all questions and measures which may come before me, I will give my vote, and so conduct myself, as may, in my judgment, appear most conducive to the interest and prosperity of this nation; and that I will bear true faith and allegiance to the same; and, to the utmost of my ability and power, observe, conform to, support, and defend the Constitution thereof."

SEC. 11. No person who may be convicted of felony before any court of this nation, shall be eligible to any office or appointment of honor, profit, or trust, within this nation.

SEC. 12. The General Council shall have power to make all laws and regulations, which they shall deem necessary and proper for the good of the nation, which shall not be contrary to this Constitution.

SEC. 13. It shall be the duty of the General Council to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may choose that summary mode of adjustment.

SEC. 14. No power of suspending the laws of this nation shall be exercised unless by the Legislature, or its authority.

SEC. 15. That no retrospective law, nor any law impairing the obligations of contracts, shall be passed.

SEC. 16. The Legislature shall have power to make laws for laying and collecting taxes, for the purpose of raising a revenue.

SEC. 17. All bills making appropriations shall originate in the Committee, but the Council may propose amendments, or reject the same.

SEC. 18. All other bills may originate in either House, subject to the concurrence or rejection of the other.

SEC. 19. All acknowledged Treaties shall be the supreme law of the land.

SEC. 20. The General Council shall have the sole power of deciding on the construction of all treaty stipulations.

SEC. 21. The Council shall have the sole power of impeaching.

SEC. 22. All impeachments shall be tried by the Committee ; when sitting for that purpose, the members shall be upon oath or affirmation ; no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 23. The Principal Chief, Assistant Principal Chief, and all civil officers, under this nation, shall be liable to impeachment for any misdemeanor in office ; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust, or profit, under this nation. The party, whether convicted or acquitted, shall, *nevertheless*, be liable to indictment, trials, judgment, and punishment, according to law.

ARTICLE.

SEC. 1. The Supreme Executive power of this nation shall be vested in a Principal Chief, who shall be chosen by the General Council, and shall hold his office four years ; to be elected as follows : The General Council, by a joint vote, shall, at their second annual session after the rising of this Convention, and at every fourth annual session thereafter, on the second day after the two Houses shall be organized and competent to proceed to business, elect a Principal Chief.

No person except a natural born citizen shall be eligible to the office of Principal Chief ; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years.

There shall also be chosen at the same time, by the General Council, in the same manner, for four years, an Assistant Principal Chief.

In case of the removal of the Principal Chief from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Assistant Principal Chief, until the inability be removed, or vacancy filled, by the General Council.

SEC. 2. The General Council may, by law, provide for the case of removal, death, resignation, or inability, both of the Principal and Assistant Principal Chiefs, declaring what officer shall then act as Principal Chief, until the disability be removed, or a Principal Chief shall be elected.

SEC. 3. The Principal Chief and Assistant Principal Chief shall, at stated times, receive for their services a compensation, which shall neither be increased nor diminished during the period for which they shall have been elected, and they shall not receive, within that period, any other emolument from the Cherokee Nation, or any other Power.

SEC. 4. Before the Principal Chief enter on the execution of his office, he shall take the following oath, or affirmation : " I do solemnly swear (or affirm) that I will faithfully execute the office of Principal Chief of the Cherokee Nation, and will, to the best of my ability, preserve, protect, and defend the Constitution of the Cherokee Nation."

SEC. 5. He may, on extraordinary occasions, convene the General Council, at the Seat of Government; he shall, from time to time, give to General Council information of the state of the Government, and recommend to their consideration such measures as he may think expedient. He shall take care that the laws be faithfully executed. It shall be his duty to visit the different districts, at least once in two years, to inform himself of the general constitution of the country.

SEC. 6. The Assistant Principal Chief shall, by virtue of his office, aid and advise the Principal Chief, in the administration of the Government, at all times, during his continuance in office.

SEC. 7. Vacancies that may happen in offices, the appointment of which is vested in the General Council, shall be filled by the Principal Chief, during the recess of the General Council, by granting commissions, which shall expire at the end of the next session.

SEC. 8. Every bill which shall have passed both Houses of the General Council, shall, before it becomes a law, be presented to the Principal Chief of the Cherokee Nation. If he approve, he shall sign it, but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journals, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. If any bill shall not be returned by the Principal Chief within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it; unless the General Council, by their adjournment, prevent its return, in which case it shall be a law, unless sent back within three days after their next meeting. Members of the General Council, and all officers, Executive and Judicial, shall be bound by oath to support the Constitution of this Nation, and to perform the duties of their respective offices with fidelity.

SEC. 9. In case of disagreement between the two Houses, with respect to the time of adjournment, the Principal Chief shall have power to adjourn the General Council to such a time as he thinks proper: *Provided*, it be not to a period beyond the next constitutional meeting of the same.

SEC. 10. The Principal Chief shall, during the sitting of the General Council, attend at the Seat of Government.

SEC. 11. There shall be a Council, to consist of three men, to be appointed by the joint vote of both Houses, to advise the Principal Chief, in the Executive part of the Government, whom the Principal Chief shall have full power, at his discretion, to assemble; and he, together with the Assistant Principal Chief, and the Counsellors, or a majority of them, may, from time to time, hold and keep a Council, for ordering and directing the affairs of the Nation, according to law.

SEC. 12. The members of the Council shall be chosen for the term of _____.

SEC. 13. The resolutions and advice of the Council shall be record-

ed in a register, and signed by the members agreeing thereto, which may be called for by either House of the General Council, and any counsellor may enter his dissent to the resolution of the majority.

SEC. 14. The Treasurer of the Cherokee Nation shall be chosen by the joint vote of each House of the General Council for the term of two years.

SEC. 15. The Treasurer shall, before entering on the duties of his office, give bond to the Nation, with sureties, to the satisfaction of the Legislature, for the faithful discharge of his trust.

SEC. 16. No money shall be drawn from the Treasury, but by warrant from the Principal Chief, and in consequence of appropriations made by law.

SEC. 17. It shall be the duty of the Treasurer to receive all public moneys, and to make a regular statement and account of the receipts and expenditure of all public moneys to the annual Session of the General Council.

ART. 1. The Judicial Powers shall be vested in a Supreme Court, and such Circuit and Inferior courts as the General Council may, from time to time, ordain and establish.

ART. 2. The Supreme Court shall consist of three judges; any two of whom shall be a quorum.

ART. 3. The Judges of each shall hold their commissions four years; but any of them may be removed from office on the address of two-thirds of each House of the General Council to the Principal Chief, for that purpose.

ART. 4. The Judges of the Supreme and Circuit Courts shall, at stated times, receive a compensation which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust, under this Nation, or any other Power.

ART. 5. No person shall be appointed a Judge of any of the Courts before he shall have attained to the age of thirty years, nor shall any person continue to execute the duties of any of the said offices after he shall have attained to the age of seventy years.

ART. 6. The Judges of the Supreme and Circuit Courts shall be appointed by a joint vote of each House of the General Council.

ART. 7. There shall be appointed in each District, under the Legislative authority, as many Justices of the Peace as may be deemed the public good require, and whose powers, duties, and duration in office, shall be clearly designated.

ART. 8. The Judges of the Supreme Court and Circuit Courts shall have complete criminal jurisdiction in such cases and in such manner as may be pointed out by law.

ART. 9. Each Court shall choose its own Clerks for the term of four years; but such Clerks shall not be continued in office unless their qualifications shall be adjudged and approved of, by the Judges of the Supreme Court, and they shall be removable for breach of good behavior at any time, by the Judges of their respective courts.

ART. 10. No Judge shall sit on the trial of any cause, where the

parties shall be connected with him, by affinity or consanguinity, except by consent of the parties. In case all the Judges of the Supreme Court shall be entrusted in the event of any cause, or related to all, or either, of the parties, the Legislature may provide by law for the selection of three men, of good character and knowledge, for the determination thereof, who shall be specially commissioned by the Principal Chief for the case.

ART. 11. All writs and other process shall run in the name of the Cherokee Nation, and bear test, and be signed by the respective Clerks.

ART. 12. Indictments shall conclude: against the peace and dignity of the Cherokee Nation.

ART. 13. The Supreme Court shall hold its session, annually, at the Seat of Government, to be convened on the second Monday of October, in each year.

ART. 14. In all criminal prosecutions, the accused shall have the right of being heard, of demanding the nature and cause of the accusation against him, of meeting the witness face to face, of having compulsory process for attaining witnesses in his favor; and in prosecutions by indictment or information, a speedy public trial, by an impartial jury of the vicinage; nor shall he be compelled to give evidence against himself.

ART. 15. That the People shall be secure in their persons, houses, papers, and possessions, from unreasonable seizures and searches, and that no warrant to search any place or to seize any person or things, shall issue without describing them as nearly as may be, without good cause, supported by oath or affirmation: all prisoners shall be bailable by sufficient securities, unless for capital offences, where the proof is evident, or presumption great.

ART. 16. Whereas the ministers of the Gospel are, by their profession, dedicated to the service of God, and the care of souls, and ought not to be diverted from the great duty of their function—therefore, no minister of the Gospel, or public preacher, of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be eligible to the office of Principal Chief, or a seat in either House of the General Council.

ART. 17. No person who denies the being of God, or a future state of rewards and punishments, shall hold any office in the civil department of this Nation.

ART. 18. The free exercise of religious worship, and serving God without distinction, shall forever be allowed within this Nation: *Provided*, That this liberty of conscience shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this Nation.

ART. 19. Whenever the General Council shall determine the expediency of appointing delegates, or other public Agents for that purpose, of transacting business with the Government of the United States, the Principal Chief shall have power to recommend, and, by the advice and consent of the Committee, shall appoint and commission, such delegates or Public Agents accordingly; and on all matters

of interest touching the rights of the citizens of this Nation, which may require the attention of the United States' Government, the Principal Chief shall keep up a friendly correspondence with that Government through the medium of its proper officers.

ART. 20. All commissions shall be in the name and by the authority of the Cherokee Nation, and be sealed with the seal of the Nation, and be signed by the Principal Chief.

The Principal Chief shall make use of his private seal until a National seal shall be provided.

ART. 21. A sheriff shall be elected in each District, by the qualified electors thereof, who shall hold his office for the term of two years, unless sooner removed. Should a vacancy occur subsequent to an election, it shall be filled by the Principal Chief as in other cases, and the person so appointed shall continue in office until the next general election, when such vacancy shall be filled by the qualified electors, and the sheriff then elected shall continue in office for two years.

ART. 22. There shall be a marshal appointed by a joint vote of both Houses of the General Council, for the term of four years, whose compensation and duties shall be regulated by law, and whose jurisdiction shall extend over the Cherokee Nation.

ART. 23. No person shall, for the same offence, be twice put in jeopardy of life or limb, nor shall any person's property be taken or applied to public use without his consent; *Provided*, That nothing shall be so construed in this clause as to impair the right and power of the General Council to lay and collect taxes; that all courts shall be open, and every person, for an injury done him in his property, person, or reputation, shall have remedy by due course of law.

ART. 24. The right of trial by jury shall remain inviolate.

ART. 25. Religion, morality, and knowledge, being necessary to good Government, the preservation of liberty, and the happiness of mankind, schools, and the means of education, shall forever be encouraged in this Nation.

ART. 26. The appointment of all officers, not otherwise directed by this Constitution, shall be vested in the Legislature.

ART. 27. All laws in force in this Nation, at the passing of this Constitution, shall so continue until altered or repealed by the Legislature, except where they are temporary, in which case they shall expire at the times respectively limited for their duration, if not continued by act of the Legislature.

ART. 28. The General Council may, at any time, propose such amendments to this Constitution as two-thirds of each House shall deem expedient; and the Principal Chief shall issue a proclamation, directing all the civil officers of the several Districts to promulgate the same as extensively as possible within their respective Districts, at least nine months previous to the next general election, and if at the first session of the General Council, after such general election, two-thirds of each House shall, by yeas and nays, ratify such proposed amendments, they shall be valid to all intents and purposes, as

parts of this Constitution; *Provided*, That such proposed amendment shall be read on three several days, in each House, as well when the same are proposed, as when they are finally ratified.

Done in Convention at New Echota this twenty-sixth day of July, in the year of our Lord one thousand eight hundred and twenty seven. In testimony whereof, we have, each of us, hereunto subscribed our names.

JNO. ROSS,

President Convention, and Delegate from Chickamauga.

JOHN BALDRIDGE, his x mark.

GEORGE LOWREY, }

JNO. BROWN, }

EDWARD GUNTER, }

Delegates of Chattooga District.

JOHN MARTIN,

JOSEPH VANN,

KELECHULEE, his x mark.

Delegates of Coosawatee District.

LEWIS ROSS,

THOMAS FOREMAN,

HAIR CONRAD, his x mark.

Delegates of Amohee District.

JAMES DANIEL,

JOHN DUNCAN,

Delegates of Hickory District.

JOSEPH VANN,

THOMAS PETITT, his x mark,

JOHN BEAMER, his x mark,

Delegates of Etowa District.

OOCLNOTA, his x mark,

WM. BALING, his x mark,

Delegates of Taquoe District.

JOHN TIMSON,

SITUWAKEE, his x mark.

RICHARD WALKER, his x mark,

Delegates of Aquohee District.

A. M'COY, *Secretary to Convention.*